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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/306,510 | 05/07/1999 | ALEJANDRO GABRIEL SHCROTT | YO999-097 | 3541 |

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EXAMINER

BROWN, VERNAL U

ART UNIT PAPER NUMBER

2635

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/306,510

Applicant(s)

SHCROTT ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

The application of Schrott et al for Intelligent Antitheft Method and System Combining Magnetic Tags and Smart Cards filed 5/7/99 has been examined. Claims 1-20 are pending

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The system as disclosed in claim 7 has only one alarm coupled to the security path. Claim 9 is a dependent claim on claim 7 which claimed "one of the alarm". Claim 9 is confusing in that claim 7 only positively recites one alarm and claim 9 implies more than one alarm.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6-7, 12, 14-15, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz et al U.S Patent 5979758 in view of Burger U.S Patent 6219439.

Regarding claim 1, Swartz discloses a system for preventing theft of an object comprising an electronics article surveillance device (col. 8, lines 1-8), reader (112) coupled to the security path and a smart card (110). Swartz is however silent on the teaching of a smart card containing identification profile of the user. Burger in an art related authentication system teaches the use of a smart card that contains identification profile of the user (col. 3 lines 58-60).

It would have been obvious to one of ordinary skill in the art to add a smart card containing identification profile of the user to Swartz invention as evidenced by Burger because Swartz suggests using smart card to verify authorization and Burger teaches the use of a smart card that contains identification profile of the user and verifying the user information on the smart card before the user is authenticated.

Regarding claims 4, Swartz teaches that RF type tag is one of the preferred type tag for the invention (col. 8, line 15).

Regarding claim 6, Swartz invention teaches a microcomputer (164) coupled to the reader (col. 21 lines 45-46).

Regarding claim 7, Swartz invention teaches an alarm coupled to the security path and an EAS device activates an alarm upon passage through the security path (col. 8 lines 1-4).

Regarding claim 12, Swartz teaches a card reader with a slot for inserting the card (figure 6). A card reader with a slot for inserting the card is inherently a direct contact card.

Regarding claim 14, Swartz teaches a card reader that uses a credit card or a smart card (col. 15, line 13-14). Smart cards typically includes magnetic strip.

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Regarding claim 15, Swartz discloses a method for preventing theft of an object comprising operatively attaching an EAS device, detecting EAS device as it transverses a security path (col. 8, lines 1-8), Operatively coupling a reader to security path (112) and a smart card (110) being presented as object transverses security (col. 15, lines 13-14).

Regarding claim 18, Swartz teaches that RF type tag is one of the preferred type tag for the invention (col. 8, line 15).

Regarding claims 20, Swartz invention teaches a microcomputer (164) coupled to the reader (col. 21 lines 45-46).

Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatenable over Swartz et al U.S Patent 5979758 in view of Burger U.S Patent 6219439 and further in view of Bacon U.S Patent 5984388.

Regarding claims 2 and 16, Swartz is silent on the teaching of an acousto-magnetic tag. Bacon in an art related EAS tag invention teaches the use of an acousto-magnetic tag to secure an article (col. 4. line 9).

It would have been obvious to one of ordinary skill in the art to use an acousto-magnetic tag in Swart invention because Swartz teaches the use of a magnetic type tag and an alarm sound is produce when the tag passes through a controlled exit. An acoustic-magnetic tag as evidenced by Bacon is a magnetic tag which give rise to an acoustic signal due to magnetic excitation. An acousto-magnetic tag is therefore compatible with Swart invention in that the tag is excited magnetically and a sound is produce from the magnetically excitation of the tag.

Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatenable over Swartz et al U.S Patent in view of Burger U.S Patent 6219439 and further in view of Dames et al U.S Patent 6054924.

Regarding claims 3 and 17, Swartz is silent on the use an EAS device comprising a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz. Dames invention of an EAS tag in a related art teaches an EAS device tag typically operate in the low frequency range of 50 KHz to 1 MHz (col. 1 lines 32-35). The magnetic material of the EAS device in Dames invention is formed from wires or thin foil (col.1 lines 50-51).

It would have been obvious to one of ordinary skill in the art to use an EAS device comprising a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz.in Swartz invention as evidenced by Dames because Swartz teaches an EAS device tag which communicates with an interrogator device by wireless communications means and Dames teaches the low frequency operation range of 50 KHz to 1 MHz for an EAS device tag

Claims 5, 8, and 19 are rejected under 35 U.S.C. 103(a) as being unpatenable over Swartz et al U.S Patent 5979758 in view of Burger U.S Patent 6219439 and further in view of Belka et al U.S Patent 5,777,884.

Regarding claims 5 and 19, Swartz is silent on the teachings of a security path that includes a gate. Belka invention teaches a security path which includes a gate (col. 1 line 41) to prevent unauthorized removal of an article from a facility.

It would have been obvious to one of ordinary skill in the art to add a gate to the security path in Swartz invention because Swartz invention teaches a controlled exit in an EAS system

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and Belka teaches in an related art the use of a gate at a control exit to prevent the unauthorized removal of an article from a secured facility.

Regarding claim 8, Swartz is silent on teaching the use of a video receiver. Belka invention teaches a video monitor (112), (col. 2 line 55).

It would have been obvious to one of ordinary skill in the art to use a video display in Schwartz invention because Swartz teaches displaying information and confirmation messages to the user and Belka teaches in a related invention the use of an video receiver to provide informational messages to the user.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatenable over Swartz et al U.S Patent 5979758 in view of Burger U.S Patent 6219439 and further in view of Davis et al U.S Patent 5748085.

Regarding claim 10, Swartz is silent on teaching of a storage device coupled to the reader security path which contain information on personnel authorized to enter and exit security path. Davis in a related invention teaches a storage device (55) coupled to the reader.

It would have been obvious to one of ordinary skill in the art to provide memory device coupled to the reader to store authorized user information because Swartz teaches the use of a database which contain information on all authorized users and Belka teaches the use of a memory device coupled to the reader to store a database of authorized users.

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatenable over Swartz et al U.S Patent 5979758 in view of Burger U.S Patent 6219439.

Regarding claim 11, Swartz is silent on teaching of a computer use to log the time and user identity related to the passage through security path. Swartz however teaches in one

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application of the invention that the user information and information about the transaction including the date of the transaction is printed or displayed (col. 11, lines 24-27). One skilled in the art recognizes that a system that determines the date of a transaction is generally able to determine the time of the transaction also.

It would have been obvious to one of ordinary skill in the art to log the time and user identity related to passage through security path because Swartz teaches the displaying of pertinent information concerning the a user of the antitheft system and the date and time of a transaction is considered to be pertinent information.

Regarding claim 13, Swartz is silent on the teachings of a contact-less smart card. However, one skilled in the art recognizes that contact-less smart card is a well-establish technology used to exchange information between the smart card and smart card reader in an authentication system.

It would have been obvious to one of ordinary skill in the art to use a contact-less smart card in Swartz invention because Swartz uses a smart card and contact-less smart card is a well-establish technology used to exchange information between the smart card and smart card reader. The choice between the use of contact or contact-less smart card is generally related to the application environment of the article surveillance system.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-F, 8:30AM- 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Vernal Brown
March 20, 2002

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

